

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN DAVIS,

Petitioner,

- against -

MEMORANDUM AND ORDER
14-CV-486 (RRM) (LB)

S. RACETTE, Superintendent

Respondent.

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ROSLYNN R. MAUSKOPF, United States District Judge.

On January 16, 2014, petitioner Kevin Davis, proceeding *pro se*, petitioned for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2008 Kings County conviction. (Doc. No. 1.) On January 23, 2014, the Court granted petitioner's request to proceed *in forma pauperis*. (Jan. 23, 2014 Order.)

On February 7, 2014, the Court issued and mailed to petitioner an order to show cause, within thirty days, why the AEDPA statute of limitations should not bar his petition. (Doc. No. 5.) The Court cautioned petitioner that if he failed to comply with the order to show cause, the Court might dismiss the petition as time-barred. (*Id.*) On April 30, 2014, the Court corrected the inmate number that the docket listed for petitioner. (Apr. 30, 2014 docket entry.) In light of this correction, the Court extended, to June 1, 2014, petitioner's time to respond to the order to show cause. (May 13, 2014 Order.) The Court mailed petitioner a copy of the May 13, 2014 Order. (May 13, 2014 docket entry.) Petitioner has failed to respond to the Court's orders.

Accordingly, the petition is hereby dismissed, pursuant to 28 U.S.C. § 2244(d), in accordance with the accompanying Judgment. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c)(2); *Lucidore v. New York State Div. of Parole*, 209 F.3d 107 (2d Cir. 2000). The

Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore, *in forma pauperis* status is denied for purpose of an appeal.

See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of Court shall mail petitioner a copy of this Order and the accompanying Judgment, note the mailing on the docket, and close the case.

SO ORDERED.

Dated: Brooklyn, New York
July 3, 2014

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge